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DATE FILED: 3/25/10

U.S. Department of Justice

United States Attorney  
Southern District of New York

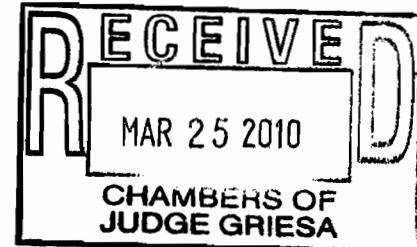
*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

March 25, 2010

**MEMO ENDORSED**

**BY HAND DELIVERY**

Honorable Thomas P. Griesa  
United States District Court Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 1630  
New York, New York 10007



**Re: United States v. Mario S. Levis, S1 08 Cr. 181 (TPG)**

Dear Judge Griesa:

The Government respectfully writes to confirm the Court's findings relating to the exclusion of time under the Speedy Trial Act from September 14, 2009 through March of 2010.

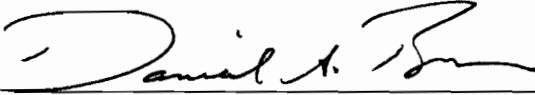
On May 27, 2009, defense counsel wrote to Your Honor requesting an adjournment of the trial date until March 2010. (Defense counsel's letter is attached.) In the letter, defense counsel stated that the adjournment was necessary "to conduct a meaningful review" of additional discovery materials prior to trial and agreed that "the period of delay between September 14, 2009 and March 2010, is excludable time under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*" Defense counsel did not cite the applicable subsection of the Speedy Trial Act, but given the basis for the continuance request and the absence of any other potentially applicable provision, this could only be construed as agreement that the ends of justice served by granting a continuance outweighed the best interest of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A)-(B).

By endorsement dated May 29, 2009, Your Honor granted defense counsel's request for an adjournment, and trial was subsequently scheduled for March 22, 2010. (The trial was later adjourned by one week, until March 29.) Because of the nature of the defendant's request, the Government understood the Court to have made the requisite finding that the ends of justice warranted the continuance, and to have done so for the reasons stated in the defendant's letter, thus automatically excluding the time from

September 14, 2009 through March 2010, pursuant to 18 U.S.C. § 3161(h). Nevertheless, in light of the defendant's recent motion seeking dismissal under the Speedy Trial Act (albeit on grounds unrelated to this letter), and mindful that the Act expressly requires the Court to set forth in the record "its reasons for finding that the ends of justice" warrant the granting of a continuance, *id.* § 3161(h)(7)(A), the Government respectfully asks the Court to confirm these findings by signing the order below. *Cf. United States v. Breen*, 243 F.3d 591, 596 (2d Cir. 2001) (reaffirming that "the precise reasons for the decision [to grant a continuance] need not be entered on the record at the time the continuance is granted" and that, "[a]lthough the district court must decide initially whether to grant [an ends-of-justice] continuance, . . . the purposes of the statute are satisfied by a subsequent articulation") (internal quotation marks omitted) (alterations in original).

Respectfully submitted,

PREET BHARARA  
United States Attorney

By: 

William J. Stellmach/Daniel A. Braun  
Assistant United States Attorneys  
Telephone: (212) 637-2101/2215

Jason M. Anthony  
Special Assistant United States Attorney

**SO ORDERED:**

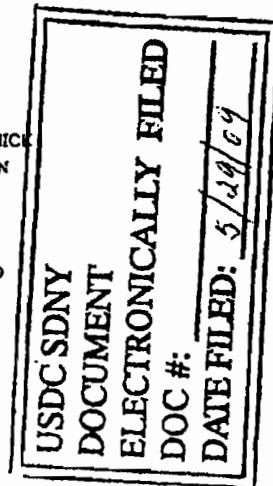
  
The Honorable Thomas P. Griesa  
United States District Judge

3/25/10

cc: Maria Neyra, Esq.

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ROY BLACK  
HOWARD M. SREBNICK  
SCOTT A. KORNSPAN  
LARRY A. STUMPP  
MARIA NEYRA  
JACKIE PERCZEK  
MARK A.J. SHAPIRO  
JARED LOPEZ



**MEMO ENDORSED**  
BLACK  
SREBNICK  
KORNSPAN  
& STUMPF  
PA

JESSICA FONSECA-NADER  
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MATTHEW P. O'BRIEN  
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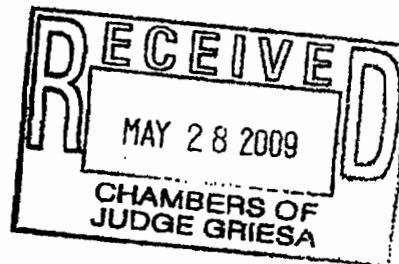
E-Mail: MNeyra@RoyBlack.com

May 27, 2009

**By Hand Delivery**

Honorable Thomas P. Griesa  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 1630  
Courtroom 26B  
New York, NY 10007-1312

RE: United States v. Mario S. Levis,  
Case No. 08-Cr-181 (TPG)



Dear Judge Griesa:

We respectfully request an unopposed adjournment of the September 14, 2009 trial date. The basis for the adjournment is the expected production of additional discovery by the government. In order to allow sufficient time for this discovery and to accommodate other scheduling commitments, we propose, without objection from the government, a trial date in March 2010. The parties understand from your Courtroom Deputy John Beale that the Court's calendar is clear during that time period.

As represented by the government this morning, the additional discovery to be produced will be divided into a Concordance database and hard copy documents as itemized below:

**Concordance**

Banco Popular -- 4,100 pages  
Doral Documents to the Southern District -- 6,300 pages  
Countrywide -- 11,000 pages  
Deutsche Bank -- 465 pages  
Merrill Lynch -- 28,000 pages  
UBS -- 26,700 pages  
KPMG -- 94,600 pages

*Adjournment of 9/13 trial date granted. There will be a conference after 8/1 to schedule a trial date.*  
TPG/cia 5/27/09

May 27, 2009

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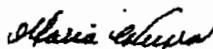
Federal Reserve -- 1,260 documents (pages unknown)  
Firstbank - 39,500 documents (pages unknown)  
R&G -- 14,800 documents (pages unknown)

Hard copy documents:

Morgan Stanley -- a copy of phone records (maybe 150 pages) and a calendar - 90 pages)  
PWC - 250 pages  
UBS - 2 pages  
Wachovia - 880 pages

The adjournment is needed in order for the defense to conduct a meaningful review of the estimated 400,000 pages of additional discovery. Towards this end, the parties have already started working together to have the additional data delivered and processed as quickly as possible. The defendant, Mario S. Levis agrees that the period of delay between September 14, 2009 and March 2010, is excludable time under the Speedy Trial Act, 18 U.S.C. § 3161 et seq. Thank you for your consideration.

Most respectfully,



Maria Neyra, Esq.

Cc:

Christopher Garcia  
William Stellmach  
Daniel Braun  
Jason Anthony

MN/gb